THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.10380 of 1999

Dated: 28.03.2007

Between:

K.Ankaiah S/o Subbaiah

..... PETITIONER

AND

The District Collector, Chittoor,
Chittoor District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.10380 of 1999

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in not allotting an extent of Ac.0.52 cents of land in Sy.No.22 of Avilala village, as the alternative land for the land acquired from the petitioner for laying road for congress plenary session, is arbitrary and illegal.

Petitioner was granted patta in respect of the land admeasuring Ac.0.11 cents in Sy.No.64/C situated at Avilala village. Subsequently, the Government acquired the same for laying road for congress plenary session, promising the petitioner to provide alternative land triple the land acquired from him. Pursuant to the same, the petitioner sought for grant of patta of land admeasuring Ac.0.33 cents in Sy.No.22 situated at Avilala village, and the remaining extent of Ac.0.19 cents on payment of market value, in the said survey number, as he was in possession and

enjoyment of the said land since more than 35 years. However, as the land was not allotted, the petitioner filed W.P.No.7535 of 1996, and the same was disposed of on 10.04.1996 directing the respondents to consider the claim of the petitioner. Pursuant to the same, respondents 3 and 4 recommended to respondents 1 and 2 for grant of patta in favour of the petitioner in respect of the said land, but by endorsement dated 25.10.1998, the first respondent rejected the same alleging that it is required for public purpose and cannot be assigned in favour of the petitioner. Aggrieved thereby, this writ petition is filed.

Despite service of notice, the respondents have not filed any counter.

A counter affidavit is filed on behalf of the respondents stating that the land in Sy.No.22 of Avilala village is kalva poramboke and the same cannot be assigned to anybody as it is meant for public purpose.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

There cannot be any dispute that tank poramboke, kalva poramboke, grama kantams, etc., situated in the villages are meant for public purpose and they cannot be alienated or assigned in favour of any individual. However, as the respondents promised to provide alternative land at the time of acquiring the land of the petitioner, the respondents are under obligation to provide alternative land to the petitioner.

Accordingly, the writ petition is disposed of directing the respondents to provide alternative land to the petitioner, equivalent to the land acquired from him for the purpose of laying road, within a period

of six weeks from the date of receipt of receipt of a copy of this order. There shall be no order as to costs.

28.03.2007

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